

VICENTE ARIAS

called as a witness on behalf of the Prosecution, being first duly sworn through Interpreter Gojunco, was examined and testified as follows through the Interpreter:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A Vicente Arias.

Q You will have to speak louder than that. Where do you live?

A (Through the Interpreter) 211 Carriedo Street.

Q Are you the owner of the Arias Building?

A Yes, sir.

Q Will you look at Prosecution's Exhibit 193 and point out where your building is located?

(The witness indicated on Prosecution's Exhibit No. 193.)

CAPTAIN PACE: Let the record show that the witness is indicating the building -- or the block south of Rizal Avenue, and just to the east of the foot of Rizal Avenue, on Carriedo Street.

Q (By Captain Pace) On the morning of February 5, 1945, did you see anything unusual?

A Yes.

Q What was it?

A On about eleven o'clock in the morning a group of Army men set fire to the north of Carriedo Street.

Q What Army did they belong to?

A The Japanese Army.

Q Will you indicate on Exhibit 193 where you saw the Japanese setting fires?

A The fire was set on the corner of Carriedo Street and Escolta, thereafter at the corner of Escolta and Rizal Street. From there they set fire to the building occupied by the Romanach music firm. The next building they set fire to was the one occupied by the Music Association, at the corner of Estero Cegado and Carriedo. The next was the Rocas Building at the corner of Rizal Avenue and Carriedo.

CAPTAIN PACE: Will the record show that the witness has indicated the buildings on the north side of Carriedo Street, beginning with the unnamed street north and south at the extreme right of the photograph, and he pointed all the way along on Carriedo Street on the north side until he reached Rizal Avenue, to the point marked "L".

Q (By Captain Pace) Will you point out on this exhibit where the Rocas Building is?

A It is where the letter "A" is shown.

Q You have mentioned the Romanach Music Store; is that correctly indicated by the letter "M" on this sketch?

A No, sir; it is in front.

Q You mean it is on the north side of the street, instead of on the south side as it is shown here?

A Yes, sir, it is in the north.

Q Now, will you describe how the Japanese set the fires in these five blocks that you have described?

A They started by breaking down the doors of the buildings at the corner of Carriedo, and they poured gasoline and set fire. And they continued with the same procedure, with the other buildings.

(A photograph was marked Prosecution Exhibit No. 196 for Identification.)

Q Will you look at Prosecution's Exhibit No. 196 and tell what pages 1 and 2 show?

A The photograph I have before me shows the building on the corner of Estero Cegado and Carriedo, where the Romanach business was. The second photograph is of the same building.

Q What are those shacks that appear in the picture?

A One of the buildings is the one occupied by the night club, and the other buildings were occupied by other businesses.

Q Were the shacks that appear on pages 1 and 2 on the exhibit there after the fire, or have they been built since?

A It is after the fire that they were built.

Q And immediately after the fire were any buildings left in the area which you have described?

A The northern part of the night club building.

CAPTAIN PACE: The witness is indicating a concrete structure in the background of the second page of the exhibit.

Q (By Captain Pace) Look at pages 3, 4, 5, and 6, and tell what they are.

A They show part of the building of Rocas and the other buildings that were right by the fire.

CAPTAIN PACE: I offer this, Exhibit 196 for Identification, in Evidence.

GENERAL REYNOLDS: There being no objection, it is accepted in evidence.

(Prosecution Exhibit No. 196 for Identification was received in Evidence and so marked.)

Q (By Captain Pace) The buildings which you have described were all on the north side of the street, is that right?

A Yes, sir.

Q Your building is on the south side of the street; right?

A Yes, sir.

Q Did anything happen to your building?

A Yes, sir. It has been partially set on fire.

Q During the hours which you observed the Japanese doing this, was any artillery being fired into the area which you described?

A No, sir.

CAPTAIN PACE: You may inquire.

CROSS EXAMINATION

Q (By Captain Reel) Did your building catch fire from the others?

A A part of the building --. A part of the fire that burned my building was through the flames on the other buildings.

Q Yes. Nobody set fire to the building you were in? Nobody deliberately set fire to the building that you were in?

A Yes, sir. The lower part of the building was set on fire.

Q Was that deliberately set on fire by somebody, or was that fire started by flames coming from the other buildings?

A It was deliberately set on fire.

Q How many floors did the building have that you were in?
A Four floors.

Q And was the Japanese Navy using some of that space?
A Those that set a military outpost at the corner of Rizal and Carriedo Streets were the ones who occupied the building.

Q Were these other buildings that you saw destroyed also occupied by military forces?

A The Roces Building was occupied by the Navy, and the other buildings were not.

Q Do you know what the other buildings were used for?

A The other buildings were not occupied by the Japanese military, but were occupied by their owners and some leases.

Q And were the other buildings warehouses?

A No, sir, they were not warehouses.

Q Did they have storage space in them?

A I don't believe they had warehouse space.

Q What floor of your building were you on when all this occurred?

A On the third floor.

Q And did you stay there and watch all those fires being set?

A We stayed until about three o'clock in the afternoon when we were only able to go out.

Q Did you leave your building before it started burning?

A No, sir.

Q So you were in the building when it was on fire?

A Yes, sir.

Q And was there pretty heavy fighting going on in the vicinity of these burning buildings at that time?

A There was no fire.

Q Didn't you hear any machine guns?

A No, sir, I didn't hear anything of a machine gun sound, but there was a machine gun at the lower part of my building, but I believe it was not used.

Q Did you see the American forces that day?

A Yes, sir. I saw only an American soldier at the corner of Plaza Goiti and Rizal after about ten o'clock in the morning.

Q And that was before these fires were set?

A Yes, sir.

Q Didn't you see some more American soldiers after ten o'clock in that area?

A No, sir. It was until after three o'clock in the afternoon at when we saw in the middle of Rizal Avenue some more Americans.

Q Yes. And by 3:30 in the afternoon that area was pretty well in the hands of the Americans, wasn't it?

A I don't believe the area was well controlled by American forces at that time, and there was no fire.

Q So that whatever American soldiers got there got there without a battle, is that right?

INTERPRETER GOJUNCO: Would you please repeat that?

CAPTAIN REEL: So that whatever American soldiers got there got there without a battle, is that correct?

A Yes, sir; without any resistance.

CAPTAIN REEL: That's all.

CAPTAIN PACE: Thank you, Mr. Arias.

(Witness excused.)

DOCUMENT 2868

C E R T I F I C A T E

I, T. R. C. King, Major, Inf. (TD), Executive Officer, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, do hereby certify that Document 2868 is a true and correct copy of the transcript of the testimony offered by VICENTE ARIAS in the trial of the case against Tomoyuki YAMASHITA, General, Imperial Japanese Army, before a Military Commission in Manila; and that the whole record of the case, including the transcript of all testimonies taken, as well as the affidavits admitted in evidence, are now on file with this Section.

/s/ T. R. C. King
T. R. C. KING,
Major, Inf. (TD)

Witness: /s/ John R. Pritchard

Sworn to before me this 15th day
of November 1946, Tokyo, Japan.

/s/ John R. Pritchard
Capt. Inf.
Summary Court

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審判者 第二八六八號

檢察部員ノ證人トシテ招致セラレ通譯者「ゴジ
ニコローラ通ジ先ヅ正式ニ宣誓シタル「グイセン
テ・アリアス」ハ通譯者ヲ通ジ訊問ヲ受ケ下記ノ
如ク証言ヲナセリ

直接訊問

問、（ベース大尉ニヨル）貴方ノ名前ヲ言ツテ下
サイ。

答、「グイセンテ・アリアス」

問、モット大キク聲デ話シテ下サイ、貴方ハ何處
ニ住ンデキマスカ。

答、（通譯者ヲ通ジ）「カリエド街二二二番」

問、貴方ハ「アリアス・ビルディング」ノ所有者デ
スカ。

答、ハイ

問、檢察側法廷登錄書類第一九三ヲ見テ、貴方ノ
「ビルディング」ノ位置ヲ指示シテ呉レマセン
カ。

（證人ハ檢察側法廷登錄書類第一九三號ニ其
位置ヲ示シタ）

「ベース」大尉、證人が「ビルディング」ヲ示
シテキルコトヲ記録シテ下サイ。ト即チリザ

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「ル街ノ南端ノ區側テ丁度「カリーエド」街
ニ面シタ「リザール」街ノ東端ニ當ル處

問、（ベース大尉ニヨリ）一九四五年二月五日朝
貴方ハ何カ普通ト機ツタ事ヲ見マシタカ。

答、ハイ、見マシタ。

問、ソレハ何デシタカ。

答、午前十一時頃ニ、一團ノ兵隊ガ「カリーエド」
街ノ北方ニ放火シマシタ。

問、彼等ハ何處ノ軍隊ニ屬シテキマシタカ。

答、日本軍デス

問、貴方ガ日本軍ガ放火スルノヲ見タ場所ヲ法廷
登録書類第一九三ニ示シテ下サイマセ
ンカ。

答、「カリーエド」街ト「エスコルタ」ノ街角ニ
火ガツケラレ、其ノ後「エスコルタ」ト「リ
ザール」街ノ街角ニモ火ガツケラレマシタ。
其處カラ彼等ハ「ローマナツク」音楽商會ガ
使用シテキタ建物ニ放火シマシタ。彼等ガ次
ニ放火シタ建物ハ「エステロ・セガド」ト「カ
リーエド」ノ街角ニアル音楽協會ニヨツテ使
用セラレテキタ建物デアツタ。

其ノ次ノハ「リザール」街ト「カリーエド」
ノ街角ニアル「ロセス・ビルディング」デアツタ。

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ベース大尉 証人ハ爲眞ノ最モ右端ニアル南
北ニ走ル名義不詳ノ街路カラ始マツテ「カリ
イエド」街ノ北側ノ数個ノ建物ヲ示シタルコ
ト又「リザール」街ニ至ル「ムート」印サレタ
ル地點迄「カリイエド」街ノ北側ヲ沿ツテ示
シタコトヲ記録ニ乗セテ下サイ。

問、（ベース大尉ニヨル）此ノ法廷登録書類ノ上
ニ「ロセス。ビルディング」ノアル場所ヲ示シ
テ呉レマセンカ。

答、ソレハ「ムート」言フ文字ガ替イテアル處デス。

問、貴方ハ「ロマネツク楽器店」ト言ヒマシタガ、
ソレハ此ノ見取圖ニ「ムート」言フ文字デ正確
ニ示サレテキルノデスカ。

答、否、ソレハ前方ニアリマス。

問、貴方ハソレガ此處ニ示サレテキルヤウニ街路
ノ南側デハナクテ、北側ニアルト言フノデス
カ。

答、サウデス。ソレハ北ニアリマス。

問、ソレデハ日本軍ハ貴方ガ述べタ此ノ五ツノ街
區側ニ於テドウィフ風ニ火ヲ放ツタカラ述べ
テ呉レマセンカ。

答、彼等ハ「カリイエド」ノ街角ニアル建物ノ戸
ヲ破壊スルコトニ始マリ「ガソリン」ヲ注イ
デ火ヲツケマシタ。ソシテ彼等ハ其ノ他ノ「ビ

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ルデングーニ對シテモ同ジ順序デ續ケマシタ。

(寫眞ハ同一性鑑別ノ爲ノ檢察廳法廷登録書類第一九六ト印サレタ)

問、檢察廳法廷登録書類第一九六ヲ見テ一頁及二頁ニ書イテアル事ヲ述ベテ呉レマセンカ。

答、私ノ面前ニアル寫眞ハ「エステロ・セガト」ト「カリーエド」ノ街角ニアル建物ヲ示シ、其處ニ、「ロマナツク」商會ガアリマシタ。第二ノ寫眞ハ同ジ建物ノ寫眞デス。

問、寫眞ノ中ニ現ヘレテキル建物ハ何デスカ。

答、「ビルデング」ノ一ツハ「ナイト」俱樂部ガ使用シテキタ建物デアリ、其ノ他ノ建物ハ他ノ商會ニヨツテ使用サレテキマシタ。

問、法廷登録書類ノ一頁及ビ二頁ニ現ヘレテキル建物ハ火事ノ後ニ残ツタモノカ、ソレトモ火事ノ後カラ建ツテキルノデスカ。

答、火事ノ後ニ夫等建物ハ建テラレタノデス。

問、火事ノ直後ニハ、貴方ガ述ベタ地域ニ何カ建物ガ残ツテキマシタカ。

答、「ナイト」俱樂部ノ建物ノ北部ガ残ツテキマシタ。

「ベース」大尉、證人ハ法廷登録書類第二頁ノ背景ノ中ニアル「コンクリート」ノ建物ヲ指シテキル。

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問、（ベース大尉ニヨル）三、四、五及ビ六頁ヲ
御覽ナサイ、ソシアソレガ何デアルカラ述べ
ナサイ。

答、ソレハ火葬ノスグ側ニアツタ「ロセスビイル
デング」ノ一部ト其ノ他ノ「ビルデング」ヲ
示シテキマス。

「ベース」大尉、私ハ證據トシテ此ノ同一
性鑑別ノ爲ノ法廷登録書類第一九六ヲ提出シ
マス。

「レイノルド」將軍、異議ナケレバ、ソレ
ヲ證據トシテ受理シマス。

（同一性鑑別ノ爲ノ檢察官法廷登録書類、
第一九六號ハ、證據トシテ受理サレ、
其ノ如ク記サレタ。）

問、（ベース大尉ニヨル）貴方ガ通ベタ「ビルデ
ング」ハ、皆、街ノ北側ニアツタト。ソウデ
スネ。

答、ハイ、ソウデス。

問、貴方ノ「ビルデング」ハ街ノ南側ニアル、ソ
ノ通りデスカ。

答、ハイ、ソウデス。

問、貴方ノ「ビルデング」ニハ何事が起リマシタ
カ。

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答、ハイ、アリマシタ。一部分大ヲツケラレタコ
トガアリマス。

問、貴方ハ日本軍ガ、此ノ事ヲ行ツテキルノヲ
テキル数時間ノ間ニ、貴方ガ述べタ地境中ニ
砲火ノ打込マレタコトハアリマシタカ。

答、否。

「メーヌ」大尉、訊問シアモヨロシイデス。

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反 對 訊 問

問、（リール大尉ニヨル）貴方ノ「ビルディング」ハ
他ノ「ビルディング」カラ飛火ヲ受ケマシタカ、

答、「ビルディング」ノ一部ハ——私ノ「ビル
ディング」ヲ焼イタ火ノ一部ハ、他ノ「ビルデン
グ」カラノ火焰デアリマシタ。

問、解リマシタ。誰モ貴方がキタ「ビルディング」ニ
火ヲツケタ人ハナイノデスネ。誰モ貴方がキタ
「ビルディング」ニワザト火ヲツケタ人ハナイノ
デスネ。

答、アリマス。「ビルディング」ノ下部ガ火ヲツケラ
レマシタ。

問、ソレハ、誰カガワザト火ヲツケタノデスカ、ソ
レトモ、他ノ「ビルディング」カラノ焰ノ爲ニ引
火シタノデスカ、

答、「ビルディング」ハ故意ニ火ヲツケラレタノデス。

問、貴方がキタ「ビルディング」ハ、何階アリマシタ
カ。

答、四階デシタ。

問、ソシテ、日本海軍ハソノ場所ノ一部分ヲ使用シ
テキマシタカ。

答、「リザール街」ト「カリィエド街」ノ街角ニ軍
ノ前哨部隊ヲ配置シタ者ガ、ソノ「ビルディング」

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ヲ占領シタ者選デシタ。

問、貴方が破壊サレルノヲ見タ此等ノ他ノ「ビルディング」モ亦軍ノ諸部隊ニ占領サレテキマシタカ。

答、「ロセス・ビルディング」ハ、海軍ニ占領サレタガ、他ノ「ビルディング」ハ占領サレマセンデシタ。

問、貴方ハ、他ノ「ビルディング」ガ何ノ爲ニ使用サレタカ知ツテキマスカ、

答、他ノ「ビルディング」ハ、日本軍ニ占領サレナカッタ。ソノ所有者ト致名ノ賃借人が使用シテキマシタ。

問、其ノ他ノ「ビルディング」ハ、倉庫デシタカ。

答、イ、エ、違ヒマス。ソレハ倉庫デハアリマセンデシタ。

問、ソレラノ「ビルディング」ニハ、中ニ貯蔵場所ガアリマシタカ。

答、私ハ、ソレラノ「ビルディング」ニハ倉庫トナル場所ハナカッタト信ジマス。

問、丁度此ノ事が起ツタ時、貴方ハ、貴方ノ「ビルディング」ノ何階ニオリマシタカ。

答、三階ニオリマシタ。

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問、ソシテ貴方ハ、ソコニ墜ツテ、ソシテノ火ガ
ツケラレルノヲ機テイマシタカ。

答、我々ハ僅カニ外ニ出ル事ガ出来タ午後五時頃
迄居リマシタ。

問、貴方ハ、ビルディングガ燃エ始メル前ニ、ビル
デングヲ出マシタカ。

答、イ、エ違ヒマス。

問、ソレデハ、貴方ハ、ビルディングガ燃エテキル
時、ソノ中ニキタノデスカ。

答、ハイ、サウデス。

問、其ノ時此等燃エテキルビルディングノ近所デ、
相當激シイ騒動ガ行ヘレテキマシタカ。

答、銃砲火ハ全クアリマセンデシタ。

問、貴方ハ少シモ機關銃ノ音ヲ聞キマセンデシタ
カ。

答、聞キマセン。私ハ、機關銃ノ音ヲシイモノハ
何ニモ聞キマセンデシタガ、私ノビルディング
ノ下ノ方ニ機關銃が一ツアリマシタ。シカシ

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私ハ、ソレハ使用サレナカツタト信ジマス。

問、貴方ハ、其ノ日、米軍兵ヲ見マシタカ。

答、ヘイ、見マシタ。私ハ、午前十時頃ヨリ週ク
ナツテ「ブミザ。ゴイチ」ト「リザル」ノ街
角ニ於テ僅カニ一人ノ米軍兵士ヲ見マシタ。

問、ソシテ、ソレハ、此等ノ火ガツケラレル前ダ
ツタノデスネ。

答、サウデス。

問、貴方ハ、ソノ地域ニ於テ十時以後モウ幾人カ
ノ米軍兵士ヲ見マセンデシタカ。

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答、見マセンデシタ。私達ガ「リナル道路」ノ真
中ニモウ幾人カノ米國兵士ヲ見タ午後三時過
ギ迄ハ、見マセンデシタ。

問、解リマシタ。ソシテ午後三時三十分迄ハ其ノ
地域ハ米國軍隊ニヨツテ殆ンド占領サレテホ
タノデスネ。

答、私ハ其ノ地域ガ米軍ニ依ツテ充分ニ占領サレ
テハギナカツタト思ヒマスカ火事ハアリマセ
ンデシタ

問、ソレデハ米軍兵士達ガ其處ニ到着シタノハ一
戦ヲ交ヘズシテ到着シタト言フノハ本當デス
カ。

通譯者、ゴジユンコ、モウ一度言ツテ下サ
イ。

リール大尉ソレデハ米軍兵士達ガ其處ニ到
着シタノハ、一戦ヲ交ヘズシテ到着シタト
イツノハ本當デスカ。

答、ハイ、サウデス、全然抵抗ハナサレマセンデ
シタ。

リール大尉コレヲ以テ終リマス。

ベース大尉「アリアス」サン御苦勞デシタ。

(證人退廷)

11.

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書類番号第二八六八號

證 明 書

余、聯合國軍最高指揮官總司令部法務部門指揮官 (T. D. / 戦軍破壤隊 /) 歩兵少佐 T. R. O. キング、一ハ書類第二八六八ガ「マニラー」軍事委員曾ニ於テ行ハレタ日本帝國陸軍大將山下奉文ニ對スル公判ニ於テノ「ヴァイセンテ・アリアス」ニ依テ提供セラレタル證言ノ屬本ノ眞實正當ナル寫シナルコト並ニ證據トシテ採用セラレタル口供書タルハ勿論全證言ノ寫シヲ含ム裁判ノ全記録ハ現在當法務部ニ保存シアル事ヲ茲ニ證明ス。

戦軍破壤隊歩兵少佐

(署名) T. R. O. キング

證 人

ジョン・R・ブリテヤード

右ハ日本國東京ニ於テ一九四六年十一月十五日、本殿ノ面前ニ於テ宣誓シタリ。

(署名) ジョン・R・ブリテヤード

即決裁判所歩兵大尉